



**AMERICAN BAR ASSOCIATION RULE OF LAW INITIATIVE
SUPPORT FOR LAW SCHOOLS AND BAR ASSOCIATIONS
IN MEXICO PROGRAM
QUARTERLY REPORT
CY 2012, QUARTER #1
NARRATIVE
AID-523-A-10-00001**

A. INTRODUCTION

The American Bar Association Rule of Law Initiative's ("ABA ROLI") hereby presents its seventh Quarterly Report of the *Support for Law Schools and Bar Associations in Mexico Program* ("Program") funded by the United States Agency for International Development ("USAID"). The report includes Program background, personnel updates, and a results summary, along with four (4) attachments and activity details in the enclosed results matrix.

This report covers the period of January-March 2012. It is based on the corresponding work plan approved by USAID on December 10, 2010, as amended by the Modification of Assistance executed between ABA ROLI and USAID on December 09, 2011.

Executive Summary

During this quarter, the Program planned and executed the following activities to continue supporting the implementation of the 2008 criminal justice reform, and to support improvements in the legal education and legal profession regimes in Mexico: (1) the adoption of ABA ROLI's Legal Education Reform Index ("LERI") and the Legal Profession Reform Index ("LPRI") in Mexico; (2) the public release of the LERI and LPRI reports; (3) the development of a first draft of the "Guide for the Strengthening of the Legal Education and Legal Profession in Mexico" ("Reform Guide"); (4) the fourth meeting of the Working Group for the Strengthening of the Legal Education and Legal Profession in Mexico ("Working Group"); (5) its sixth training on oral advocacy skills for law school faculty and bar association members in Chihuahua; (6) the successful completion of the third "Sister Courthouse" visit to El Paso, Texas; (7) co-sponsorship of a retrospective conference on the accusatorial system in Chihuahua; (8) various meetings with sub-grantees *Centro de Investigación y Docencia Económicas, A.C.* ("CIDE") and the *Centro de Estudios sobre la Enseñanza y el Aprendizaje del Derecho A.C.* ("CEEAD") to finalize details of their respective mandates—pilot legal aid clinics and legal education curricular reform—and formalize their involvement in the Program; (9) initial steps towards the launch of law school moot court competitions; and (10) initial preparations for the rest of the activities in accordance with the new terms of the cooperative agreement amended in December 2011, which entails phasing out the Program's "Judicial Exchanges" component. It is



worth highlighting that the Program was able to complete these activities with over \$64,960.53 in cost share contributions from local counterparts – a testament to the high level of support ABA ROLI has successfully garnered in Mexico.

In addition, the Program continued maintaining close contact with the *Secretaría Técnica del Consejo de Coordinación para la Implementación del Sistema de Justicia Penal* (“SETEC”), an institution which has been regularly involved in and duly informed of the Program’s activities. Further, the Program continued to meet with the senior staff of Management Systems International (“MSI”) and other USAID partners in order to coordinate the Program’s activities with existing complementary initiatives and to facilitate high impact and sustainable results. For this purpose, the Program met with representatives of the International Republican Institute (“IRI”) and the National Democratic Institute (“NDI”) in Mexico in order to discuss potential partners in Chihuahua and Nuevo León to collaborate on work regarding the criminal justice reform agenda within 2012 political campaigns.

It also merits noting that during the current reporting period, the Program continued working together with a legal profession program supported by the Canadian Embassy at the express request of Mr. Felipe Borrego, SETEC’s Secretary. Further information on this collaboration is described below.

Program Background

As mentioned in previous reports, this Program aims to work closely with Mexican private and public justice sector operators to accomplish the following overarching objectives: (1) create a sustainable mechanism to alleviate the state and federal government burden of retraining current and future justice operators on the particularities of the new criminal justice system; and (2) enhance the ability of attorneys and judges to effectively and efficiently litigate and adjudicate cases, protect individual rights with appropriate accountability, and implement reforms effectively and rapidly.

The Mexican justice sector is at a critical juncture in its implementation of the accusatorial system. As is endemic to transitions like this, the justice sector has both achieved notable successes and encountered obstacles since the reform process started nationwide with the passage of the Constitutional reform in 2008 and even earlier in some states, such as Nuevo León, Chihuahua and Oaxaca, which initiated criminal justice reform between 2004 and 2007. During these reform processes, private justice sector members, including law school professors and practicing attorneys, have largely been excluded from wide-scale capacity-building efforts to support the implementation of the new criminal procedure codes (“codes”); government-led training has focused primarily on public sector operators. Thus, to assist with the effective implementation of the new criminal justice system, the Program seeks to enhance private justice sector members’ understanding of the accusatorial system and the substantial role they play in it, while also encouraging them to

actively engage in the reform process. These efforts are especially important in light of the federal government's submission of a draft Federal Code to Congress in September 2011, a move that will likely solidify the constitutional reforms adopted in 2008, and that is expected to be passed during Q2 CY 2012.

Since the draft federal code will be largely seen as the model for many of the states that have not yet approved their own criminal procedure codes, it is crucial that all sectors of society, at both the state and federal level, become actively involved in the debate. As such, the federal code represents a bridge to promote coordination between federal and state authorities as they seek to implement the accusatorial system in Mexico.

Furthermore, the federal code represents a golden opportunity for private practitioners and law school professors and students to become fully engaged in the adversarial system. Their active involvement in discussing and analyzing the code will be crucial in securing their understanding, support, and ownership of the new system. Therefore, in furtherance to previous quarter's activities, the Program has continued taking steps to engage private practitioners and academics in on-going dialogues on this timely issue.

In concrete terms, the Program supports the Mexican justice sector in its transition to an accusatorial legal system by:

- Establishing a Working Group to promote local ownership of reforms and training;
- Supporting bar associations via:
 - Conducting an assessment of the legal profession to serve as the basis for reform recommendations;
 - Providing (i) training sessions on skills specific to the new system, and (ii) seminars on substantive topics related to the accusatorial model at large; and
 - Leading a bar association study tour.
- Supporting law schools via:
 - Conducting an assessment of the legal education system to serve as the basis for reform recommendations;
 - Providing (i) training sessions on skills specific to the adversarial system, and (ii) seminars on substantive topics related to the accusatorial model at large; and
 - Leading a law school study tour.
- Conducting judicial exchanges via:
 - Supporting professional peer exchanges, including "Sister Courthouse" visits.

Personnel

Resident Program staff includes Country Director, Alonso González Villalobos; Deputy Country Director, Katia Ornelas Núñez; Field Financial Manager, Gabriela Cruz Ortiz; and

new members Sahila Hernández Uribe, Administrative Assistant, and David Fernández Mena, former Working Group member, who joined the Program this quarter as Law School and Bar Association Coordinator. In Q2 and Q3 CY 2012, the Program will retain two additional staff members outlined in the modified award, as well as one or two interns to provide research and programmatic support.

The Program is supported in Washington, D.C. by the Latin America and the Caribbean Division, including Michael McCullough, Director; Chantal Agarwal, Program Manager; Jeremy Biddle, Program Officer; and Melanie Penagos and Cynthia Arévalo, Program Associates.

B. RESULTS SUMMARY

Working Group for Legal Education & Legal Profession Reform

This quarter, the Program supported the Working Group's objectives by: (i) co-sponsoring a conference on the accusatorial system in Chihuahua; (ii) facilitating its fourth general meeting; and (iii) underwriting its participation in the rollout event for the LERI and LPRI.

On February 15-16, the Program co-hosted a conference entitled "Oral Trials: An Opportunity for Better Justice," in Chihuahua. The conference was organized in coordination with the non-governmental organizations *RENACE*, Mexico SOS and *Red Nacional a Favor de un Sistema de Juicios Orales y Debido Proceso Legal*, as well as by peer organization MSI/Mexico, among other

local and national institutions. Over 200 participants were in attendance, representing

academia, civil society, the judiciary, national and international NGOs, police cadets, and private practitioners. The event served a variety of aims: to stimulate debate between the public sector and members of the Program's Working Group on the implementation of the accusatorial system in Chihuahua four years after its adoption, touching upon lessons learned and challenges; and to review the current status of the draft federal code. The



Appeals judges, employees from the Attorney General's Office, academics and NGO representatives discussing the implementation of the accusatorial system in Chihuahua on February 15.

Chihuahua State Attorney General, Mr. Carlos Manuel Salas, delivered the opening remarks, after which attendees joined one of four roundtables, focusing on the social, legal and political circumstances surrounding the system's 2007 implementation in Chihuahua, and a reflection on the challenges ahead. ABA ROLI Mexico Country Director, Alonso González-Villalobos, presented on the connection between Chihuahua's code, the draft federal code, and international human rights standards; he also acted as moderator.

The ultimate goal of the conference was to identify key areas of improvement for the accusatorial system in Chihuahua in line with international standards. The conference will be memorialized in a "lessons learned" document, which will be printed and distributed to stakeholders.

With regards to last quarter's conference on the draft Federal code, this quarter the Program's Working Group members prepared a summary of the conclusions reached in the four conference roundtables. The roundtables addressed pre-trial detention and the presumption of innocence; investigations and prosecutorial powers; and the handling of evidence at the pre-trial stage. The Program delivered this summary to Mr. Ernesto Canales, representative of the *Red Nacional a Favor de un Sistema de Juicios Orales y Debido Proceso Legal*, who in turn submitted them to the Justice Commission of the Federal Congress' House of Deputies in Q2 CY 2012.



Working Group members analyzing and discussing the draft Reform Guide on March 22, 2012.

Another Program milestone this quarter was the Working Group's fourth meeting, which took place on March 22, 2012 in Mexico City. The objective of the meeting was two-fold: (i) to host a peer review discussion of the Program's draft Guide for the Strengthening of Legal Education and the Legal Profession in Mexico ("Reform Guide"), and (ii) to discuss ways to sustain the Working Group beyond the grant period.

In addition to Working Group members, the meeting was attended by representatives of the Canadian Embassy, the Canadian Government and the Quebec Bar Association, who are implementing a complementary legal profession program in southeast Mexico. In turn, to continue close coordination of efforts, Program staff will attend the Canada program's next meeting in Villahermosa, Tabasco in April 2012.



Working Group member Dr. Pérez Hurtado proposing ideas to advocate for the Reform Guide with key decision makers.

The meeting was invaluable in providing Working Group members greater insight into the topics discussed in the Reform Guide, informing its content, and securing buy-in among key counterparts. The Reform Guide is set for release in Q2 CY 2012. As for the sustainability of the Working Group, please refer to the "Success Stories" section below for more information.

Working Group member *Ilustre y Nacional Colegio de Abogados de México*, provided the meeting venue at no cost to the Program, valued at \$454.55 USD in cost share support.¹

Support for Bar Associations

Legal Profession Reform Index

After more than one year since the assessment process began, this quarter saw the completion and launch of the Program's Legal Profession Reform Index ("LPRI") for Mexico.² Following last quarter's peer review Working Group session, the Program finalized the report's text in English, translated it to Spanish and printed the final bilingual report. The report was released in a public event on March 21, 2012 in Mexico City, along with its sister Legal Education Reform Index (LERI) at the Héctor Fix-Zamudio Auditorium of the *Instituto de Investigaciones Jurídicas de la Universidad Nacional Autónoma de*

¹ The total was originally recorded as \$5,750.28 MXP. The figure of \$454.55 USD is based on the Oanda.com's exchange rate for the meeting's date, March 22, 2012.

² As described in the Program work plan, the LPRI is an assessment tool which utilizes 24 qualitative factors to examine thematic areas in five areas: professional freedoms and guarantees; education, training and admission to the profession; conditions and standards of practice; legal services; and professional associations. The report explores these topics through a prism of comparative legal traditions, international standards and best practices.

México (“*Jurídicas*”)—Mexico’s leading legal research institute, and one of the most influential in the Americas.³ *Jurídicas* hosted the event at no cost, contributing \$3,376.18USD⁴ in cost share to the Program.

The rollout event was attended by approximately 90 people, including legislators, law school professors and administrators, federal and state regulatory authorities, international and national NGOs, human rights defenders, academics, private practitioners, students, public prosecutors, opinion leaders, diplomatic representatives, bar associations leaders and members of the general public interested in the field. At SETEC’s request, the Program also invited representatives



One attendee at the LERI and LPRI rollout event browses the reports while Dr. Héctor Fix-Fierro delivers his final remarks.

from the Canadian Embassy and Bar Association of Quebec, who are implementing a complementary program in Southeast Mexico. In addition to attending the public presentation, both institutions also took part in the Working Group’s fourth meeting the following day (see above).



Presenters De la Concha, Maya, Fix-Fierro, Delaney and Pérez-Hurtado (from left to right).

The launch featured remarks by: USAID/Mexico Mission Director, Mr. Tom Delaney, along with ABA ROLI Deputy Director, Michael Maya; Working Group members, Hugo Concha-Cantú and Luis Fernando Pérez; General Director of *Jurídicas*, Héctor Fix-Fierro; and Country Director, Alonso González-Villalobos. Hard copies of the reports were distributed to attendees. The reports are also

³ For more information, please visit its website at: [www.http://www.juridicas.unam.mx/](http://www.juridicas.unam.mx/)

⁴ The total was originally recorded as \$42,742MXP. The figure of \$3,376.18USD is based on the Oanda.com’s exchange rate for the event’s date, March 21, 2012.

available online.⁵

The publication and public presentation of the LPRI and LERI reports marks a Program milestone. Aside from being the first such assessments of their kind in Mexico, their findings serve as the basis for a Reform Guide, which will go one step farther in identifying concrete areas of improvement in legal education and the legal profession in Mexico.

Finally, it is worth pointing out that the time and effort spent by Working Group members on the public presentation of the reports, and their participation in its fourth general meeting (described above) represent an in-kind contribution to the Program. Their contribution will be reported in Q2 CY 2012.

Curriculum Development and Training

During the current reporting period, Program staff and trainers used feedback from prior trainings to review and refine the training materials for the Program's sixth trial advocacy workshop in Chihuahua. By implementing these changes, the Program seeks to ensure that training materials are more responsive to the specific characteristics of states where trainings will be conducted. For instance, the Program incorporated modifications to states' criminal procedural codes and other criminal justice laws when tailoring materials.



Participants prepare to cross-examine witnesses at ABA ROLI's training on oral advocacy skills in Chihuahua.

Sixth Training on Trial Advocacy Skills Successfully Completed in Chihuahua, Chihuahua

ABA ROLI successfully conducted its sixth training on oral advocacy skills in Chihuahua on February 21-25, 2012. The training was co-sponsored by the Chihuahua State Government's *Centro Estatal Para la Instrumentación del Sistema de Justicia Penal* and the State Judiciary's *Centro de Formación y Actualización Judicial*, which contributed

⁵ For an electronic copy of the reports, please see the "Publications" section of the Program's homepage: http://www.americanbar.org/advocacy/rule_of_law/where_we_work/latin_america_caribbean/mexico.html

\$2,249.80USD in combined cost share support.⁶

Fifty-eight local private practitioners and law professors—convened by various bar associations and law schools throughout Chihuahua—attended the five-day training. The workshop was led by two international trainers (an American and Argentinian), both of whom are highly familiar with the Mexican system, along with three Mexicans with past experience with USAID/Mexico programs. Two of the Mexican instructors, a former pre-trial judge and a current appeals judge from Chihuahua with experience operating under both the old and reformed systems, were able to apply their practical knowledge of local realities. Three such trainers (two Mexicans and one American) volunteered their work on a *pro bono* basis, contributing a combined amount of \$52,234.00USD in cost share to the



ABA ROLI's oral advocacy training in Chihuahua was successful in attracting a varied audience, all of whom actively engaged in the discussions.

Program. In addition to these five instructors, Program staff also contributed to the workshop by teaching portions of the agenda.

The workshop concluded with a series of participant-led mock trials under the guidance of trainers and staff. Chihuahua's Supreme Court generously contributed its courtrooms to this exercise. Having a 'real-life' atmosphere was extremely helpful in fully engaging participants in their roles. The Program will distribute video recordings of the trials to the participants in Q2 CY 2012.

Training Results

In Chihuahua, the Program continued to use evaluations based on substantive knowledge gain, which were developed in Q3 CY 2011 with USAID's support and later piloted in Mexicali, and also piloted in this training a new adjustment to one of the questionnaires to better capture the real impact on substantive knowledge gain. The evaluations rely on pre- and post-training testing to gauge each workshop's impact.

⁶ While the *Centro Estatal* hosted the workshop and provided video recording of the mock trials at no cost, the *Centro Judicial* contributed one person for on-site logistical support. The figure of \$2,249.80USD is based on Oanda.com's exchange rate for the event's last day, February 24, 2012.

The evaluation results indicate that the workshop dramatically increased participants' theoretical knowledge and practical understanding of the accusatorial system and oral advocacy skills. For example, in a pre-training survey, 7% of participants considered their knowledge on the theory of the case as "good", whereas at the end of the training, the percentage jumped to 51%. Meanwhile, in a knowledge evaluation, a mere 26% of participants correctly answered a question regarding cross-examination. After the training, however, that percentage increased to 87%. Thus, by the end of the workshop, attendees demonstrated not only more confidence in their abilities, but also more substantive knowledge of the accusatorial system. This knowledge gain indicates that practitioners will be better-equipped to carry out their duties under the new system. Furthermore, all participants expressed their strong interest in attending future trainings. Based on these results, the Program also plans to continue improving the contents of its evaluations. For detailed evaluation and test results for the training, please see Attachments A and B.

Study Tour for Bar Associations and Law Schools

This activity, which greatly enriched the peer review of the LERI, LPRI and Reform Guide, concluded in Q3 CY 2011. Please see the corresponding report for further details.

Support for Law Schools

Legal Education Reform Index

After more than one year since the assessment process began, this quarter the Program completed and launched its Legal Education Reform Index ("LERI") for Mexico.⁷ For details on the adoption of the report and its corresponding rollout event, please refer to the LPRI section above.

Curriculum Development and Training

Curriculum development and most trainings for law schools were implemented in the same fashion as for bar associations. Given that these components are conducted jointly, please refer to pages 8-10 of this report for further information.

In addition to the week-long trial advocacy trainings, during this quarter the Program started to develop new activities in accordance with the modified award agreement executed in December 2011. These activities, described below, aim to strengthen law school curricula and provide students practical exposure to oral litigation during their legal training, with the wider objective of supporting the implementation and sustainability of criminal justice reform in Mexico through legal education reform.

⁷ As described in the Program's work plan, the LERI is a qualitative diagnostic tool designed to assess a country's legal education system based on 22 factors, including licensing, accreditation, and evaluation of law schools; curriculum and teaching methodology; student evaluation and awarding of degrees; and institutional capacity.

Implement a Standardized Law School Curriculum

As outlined in the modified agreement narrative, Mexico's successful transition to the accusatorial system will require re-training its law school leaders, administrators and faculty, and redesigning training methodologies for law students. For that purpose, the Program will draw upon Mexican expertise to build the capacity of Mexican law school administrators and students so that future lawyers are prepared to operate in the accusatorial system. This will be accomplished by developing new teaching materials, courses and educational methodologies in line with the legal reforms taking place in Mexico. ABA ROLI will rollout these curricular materials in select law schools within the Program's seven 'priority states'— Baja California, Chihuahua, Durango, Hidalgo, Morelos, Nuevo León and Oaxaca.

During this quarter, the Program began preparing a strategic alliance with the *Centro de Estudios sobre la Enseñaza y Aprendizaje del Derecho* ("CEEAD") to lead this activity as a subgrantee. The Program and CEEAD met on various occasions to identify key action areas and discuss best strategies for their deployment. These meetings will help shape the sub-grant agreement, which will be finalized in Q2 CY 2012, after which CEEAD will assume direct responsibility for this component and ABA ROLI will oversee the results to ensure that they conform to SETEC's standards. This will assist in the longer-term goal of these institutions' accreditation from SETEC, a cornerstone of the initiative's long-term sustainability.

CEEAD will work to strengthen Mexican law schools' capacity to train better lawyers, ready to practice law under the new adversarial criminal system by: (i) counseling and training law schools of the Program's seven 'priority states' in adapting and adding courses related to the new criminal justice system; (ii) chronicling the experiences of these law schools so they can be replicated in other institutions in these states and the country; and (iii) creating new course material for law schools so teaching the new courses can be effective in the law school curricula.

Course material will feature a "Professor's Teaching Guide for the Accusatorial System" ("Teaching Guide"), an "Introduction to the Accusatorial System—Reading Book" ("Reading Book"), and an "Introduction to the Accusatorial System—Mock Trial Book" ("Mock Trial Book"). The Teaching Guide will cover three main areas: (i) criminal procedure law under the adversarial system; (ii) trial advocacy skills, including pre-trial, trial, and appellate stages; and (iii) alternative dispute resolution for criminal procedure. It will guide law faculty on best practices to teach those three topics, referencing readings and exercises contained in the Reading and Mock Trial Books, which will be catered to law students. The Teaching Guide will also feature student and teacher performance evaluation techniques. In addition to including a mock trial case for students to 'litigate,' the Mock Trial Book will guide students through a hypothetical case in a comprehensive manner from assignment to final disposition, teaching skills essential to success under the accusatorial system,



including case management, client relations, investigations, interviewing, negotiation/alternative dispute resolution/plea bargaining, and courtroom skills.

Once these materials are developed, the Program will make every effort to distribute them to law schools throughout the country, beyond partner schools.

Conduct Mock Trial Competitions

Under the modified grant agreement, the Program will organize and conduct a series of mock trial competitions, in which teams of Mexican law students will face off in litigating hypothetical criminal cases in inter-collegial tournaments. In order to maximize resources and foster broader impact, this quarter the Program held discussions and forged an initial agreement⁸ for a partnership with the *Instituto Nacional de Ciencias Penales* (“INACIPE”)—one of Mexico’s leading criminal law research centers—to join efforts. INACIPE launched a national moot court competition in 2010 that has since become one of the country’s largest and most respected, attracting students from all 31 states and the Federal District. Thus, by aligning efforts, the Program will achieve impact far beyond its seven ‘priority states.’ For example, 31 states and more than 101 law schools were represented in last year’s INACIPE competition with the sole exception of Baja California Sur.

As such, the Program will build upon Mexico’s most established moot court competition, particularly in (i) developing (a) the hypothetical case and (b) the competition’s regulations and procedures, and (ii) in the selection and training of judges. This quarter, the Program already started working on developing and refining the hypothetical case by researching existing regulations and procedures and taking advantage of ABA ROLI’s experience in other regions of the world. The Program will follow a multi-tiered structured competition: first, an initial state-level phase, held in four regions—north, east, west and central—covering all of Mexico, including USAID’s seven ‘priority states.’ The eight best eight teams (two per region) will then go on to the second and final phase, held in Mexico City, where teams showcase their skills in a complete oral trial.

In addition to INACIPE, this quarter the Program also held coordination meetings with the *Colegio Jurista*, a Cuernavaca-based law school that is planning a high-profile moot court competition hosted by the Supreme Court of Morelos on May 11-13, 2012. As of the writing of this report, more than thirty teams from 16 states representing public and private universities had already confirmed their participation. The Program will offer its support in the selection, training and evaluation processes of the competition. To that end, the Program will design the training and selection process for the competition’s judges. This

⁸ This agreement will be formalized in Q2 CY 2012.

support is a valuable first step towards broader collaboration in future moot court competitions.⁹

Mock trial-related activities this quarter have focused on laying a solid foundation for complementary and future collaboration with existing initiatives to maximize the Program's impact and reach. By doing so, the Program hopes to not only empower respected local institutions, but also transcend ABA ROLI's and even USAID's presence in Mexico.

Support Criminal Defense Clinics

This quarter, the Program worked closely with *Centro de Investigación y Docencia Económicas, A.C.* ("CIDE"), to provide guidance during the application process and in addition, define the exact terms of its subgrant agreement with ABA ROLI. The agreement will be finalized in Q2 CY 2012. Discussions centered on determining the best sites for the clinics, terms of operation, and selection criteria for clinic directors and beneficiaries, among others. Program staff in Mexico have reviewed and evaluated CIDE's application, and it currently is under review in Washington, D.C.

Per the Program's work plan, once final review is complete and the award agreement is in place, the Program will identify three partner law schools and establish three legal aid clinics (one in each)—or build upon existing ones. Professors or practicing attorneys will be selected in conjunction with partner schools to serve as clinic directors. Once selected, directors will be invited to Mexico City for training in clinic management. CIDE will further provide technical assistance via direct on-site visits to guide the clinics' implementation, as well as through the development of a practical "Handbook for Legal Clinic Programs."

Judicial Exchanges

Professional Peer Exchanges

During the reporting period, the Program carried out its fourth "Sister Courthouse" exchange to El Paso, Texas. As mentioned in the Executive Summary, given the modifications to the Program's work plan as of December 2011, the Program's "Judicial Exchanges" component has been phased out this quarter in exchange for increased involvement in support of legal profession and legal education reform as per USAID's instructions.

⁹ Further details about the moot court and the Program's support can be found at <http://www.colegiojurista.com/competenciajuiciosorales.html>

Sister Courthouses



Mexican and U.S. female judges discuss issues of common interest, both as members of the judicial profession, and as family members.

Court Judge, Hon. Phillip Martinez. The exchange included various state and federal hearings, a visit to the El Paso County Detention Facility, roundtables and dinner meetings, where both the Mexican and U.S. delegation had an opportunity to share their experiences under the accusatorial system in a personal setting. In addition, the delegation met with State and Federal public prosecutors and defenders, as well as with representatives from the Federal Probation and Pretrial Services offices to discuss their success and challenges under the accusatory system. The Judiciary of Chihuahua demonstrated its support for this activity



El Paso County Judge, Alex Gonzalez, hosting his Mexican counterparts into his courtroom and demonstrating an IT support system for hearings.

¹⁰ The first visit to El Paso took place in April 2011, while the two other exchanges were conducted in San Diego in October 2010 and August 2011.

by contributing \$6,646.00 USD¹¹ in cost share to facilitate this exchange.

The fourth “Sister Courthouse” exchange reaffirmed the value of direct contact between Mexican and U.S. judges through person-to-person exchange. The frank dialogue and open sharing of ideas between both delegations has enriched them both. A survey conducted at the end of the event confirms the real impact the exchange had on the Mexican delegation. For instance, 83% of Mexican participants thought that the creation of a permanent channel of communication between U.S. and Mexican judges was “entirely



useful” while the remaining 17% thought it was “highly useful.” Further, on knowledge gained, 50% of participants increased their knowledge on the U.S. penitentiary system “entirely”, whereas the other 50% increased their knowledge “greatly.” Please see Attachment C for detailed results, and Attachment D for further information regarding the agenda for the entire visit.

Study Tour – Judicial Sector

As mentioned above, as result of the realignment of objectives under the award modification in December 2011, all resources designated for the Program’s “Judicial Exchanges” are being redirected to support law schools and bar associations. For this reason, and as per USAID’s express instructions from January 13, 2012, the judicial study tour originally planned for CY 2012 has been

cancelled.

Follow-on Subgrant(s)

Given the new terms under the modified agreement and phasing out of the Program’s “Judicial Exchanges” component, the Program has suspended this activity indefinitely.

Success Stories

As outlined throughout this report, this quarter in particular saw a number of important milestones. Stemming from the activities reported above, the following three stories highlight the Program’s success in effecting meaningful change not only among its immediate counterparts, but also throughout Mexico. Please find special highlights on the most noteworthy of these accomplishments below.

¹¹ The value was originally recorded as \$5,500USD for lodging and two extra nights of per diem for participants and \$1,146USD for drivers’ lodging and gas for the vans. These combined contributions total \$6,646.00USD.

A Boon to Mexico's Legal Education and Legal Profession Systems: ABA ROLI Working Group Activities Foster Commitment to Improvement

When ABA ROLI initiated its Mexico Program in 2010, it hoped to provide sustainable assistance to members of the nation's legal education and legal profession regimes by convening a diverse group of experts to address the challenges that the Mexican legal community faces. The Program made a leap in the final quarter of 2010, bringing together officials from some 22 legal institutions to create the Working Group to Strengthen the Legal Education and Legal Profession in Mexico. At the Working Group's first meeting, held in November 2010 in Mexico City, representatives from public and private law schools and lawyers' associations traveled from seven USAID 'priority states' (defined above) and the Federal District to discuss ways to strengthen the legal profession and legal education systems in Mexico. The meeting provided its members a unique opportunity to interact with a broad array of counterparts from the Mexican legal community. Participants expressed their enthusiasm with the range of regional perspectives offered by their colleagues, as they rarely have the opportunity to meet with peers from non-local institutions.

After successfully launching the Working Group, the Program sponsored a March 2011 meeting to consider a comparative analysis as a means of pinpointing the Mexican legal community's needs. With an eye toward the United States, Working Group members unanimously agreed that the legal institutions of a country with an accusatorial system firmly in place were a useful yardstick by which to analyze Mexico's transition to the new system. Deciding on Chicago, home to the American Bar Association, the Chicago and

Dr. Ana Alvarado, Tec de Monterrey Law School Dean, reviewing the draft Reform Guide

Illinois Bars, and some of the United States' most prestigious law schools, the Program organized a July 2011

Working Group study

tour. The tour to Chicago proved invaluable in allowing Working Group members to meet with their U.S. counterparts and gain a deeper understanding of the U.S. legal system. Upon returning to Mexico, the Working Group drafted a "lessons learned" document, which, along with the LPRI and LERI, has served as the basis for the development of the Program's Reform Guide.



Mr. Miguel Arregui, President of the Baja California Federation of Bar Associations, at the Working Group's last meeting.

In addition to its material impact, the study tour cemented Working Group members' commitment to the Program and its objectives. Most notably, they participated in the peer review of the LPRI and LERI, enriching the content, overall accuracy, relevance, and utility of the reports for the Mexican legal community. The Working Group showed its continued commitment by attending the public rollout ceremony for the LERI and LPRI, held on March 21, 2012 in Mexico City.

In its final meeting held the day after the rollout event, the Working Group discussed ways to sustain its activities beyond the life of the Program and highlighted the need to introduce and disseminate the LERI, LPRI, and Guide within members' home states. Edna Franco,

a Working Group member and lawyer from Oaxaca, expressed her desire to do so, stating, "I will try to make an action plan to promote the LERI, LPRI and Reform Guide in Oaxaca. I really want to promote this work because it was profound, and I'd like to thank USAID and ABA ROLI [...] for the so many things I've received and learned from you that make me a better lawyer."

In addition, members expressed their interest in holding local or regional meetings amongst themselves in order to continue



Working Group members requesting the floor to weigh in on the discussion regarding the Group's sustainability.

discussions regarding legal education and legal profession at minimum to no cost. Others also suggested creating a blog and setting up Skype conferences on a periodic basis. Given Ms. Franco's and other Working Group members' candor and enthusiasm for improving Mexico's legal education and legal profession regimes, ABA ROLI is confident that it has planted a seed for future collaboration between public and private universities and lawyers' associations in its seven 'priority states' and the Federal District.

Advocates for Victims of Gender-based Violence in Chihuahua Benefit from Training on Oral Advocacy

With a puzzled look on her face, María Luisa Salazar Olvera raised her hand to ask a question. "How do you determine a 'good' question during a cross-examination?" With only several weeks until her first oral trial under Mexico's new criminal justice system, this young Mexican lawyer from Chihuahua was determined to shore up her understanding of accusatorial proceedings. María Luisa works in the legal services division of *Centro de Derechos de las Mujeres* ("CEDEHM"), a Mexican civil society group that promotes and

defends the rights of women who appear in Mexican state and federal courts, as well as during cases brought before the Inter-American System for the Protection of Human Rights. Since joining the legal division at CEDEHM in March 2011, María Luisa has primarily worked with victims of crimes such as domestic violence and sexual abuse.

Recognizing the profound changes taking place within the Mexican judicial sector, María Luisa knew that she would have to hone her legal skills in order to safeguard the rights of her clients. In 2006, María Luisa's home state of Chihuahua became the first state in Mexico to implement an entirely new criminal procedure code. This transition to an accusatorial system began two years before an amendment to the Mexican Constitution mandated that the nation's 31 states and Federal District institute such a system by 2016. The new Chihuahua code, seen by many as an innovative model for the rest of Mexico, established oral trials for criminal cases and ensured greater procedural rights for victims.

Fortunately for María Luisa, she and several of her colleagues from CEDEHM were invited to participate as staff lawyers during ABA ROLI's five-day training course on oral litigation in February 2012. The course, which was also attended by private legal practitioners and law school faculty members, sought to expose participants to the many unique aspects of an oral trial, including live witness testimony, cross-examination, and the presentation of evidence.

As an ABA ROLI trainer answered María Luisa's question by highlighting the investigative portion of an oral trial, she saw the puzzle pieces begin to fit together. Indeed, María Luisa found that the Program's course reinforced her previous knowledge of an accusatorial system of justice and allowed her to refine and improve her oral trial advocacy skills. At the course's conclusion, María Luisa expressed renewed confidence in her ability to protect women victims' rights during accusatorial proceedings.

Mexican Juvenile Justice Judges Build Bridges of Communication with Counterparts in El Paso, Texas

Carlos I. Álvarez, a juvenile court judge from Ciudad Juárez, recently reached out to ABA ROLI with a request. In his message, Judge Álvarez asked whether it would be possible for ABA ROLI to coordinate an informal visit by Mexican judges to an American court to observe how accusatorial proceedings are carried out in the United States. Judge Álvarez stressed that while he and many of his colleagues from the border state of Chihuahua lived just minutes away from El Paso and other southwestern U.S. cities, they had never had the opportunity to see how the justice system works on the U.S. side of the Río Bravo.

In response to a need highlighted by Judge Álvarez's request, ABA ROLI facilitated a judicial exchange between judges from Chihuahua, Mexico, and El Paso, Texas through its "Sister Courthouse" program on March 5-6, 2012. The Mexican delegation, which traveled to El Paso to meet with a group of U.S. state and federal judges, included 12 juvenile court judges from various cities in the state of Chihuahua. After participating in a series of frank conversations with their American counterparts, the Mexican delegates confirmed the crucial value of opening direct channels of communication with officials from across the U.S.-Mexico border.



Juvenile Court Judge, Carlos I. Álvarez, presents to his Mexican peers in El Paso.

Judge Álvarez noted that the trip's activities inspired him to return to El Paso with his colleagues, stressing that his counterparts in Mexico would

benefit greatly from meeting with their U.S. peers to observe how American juvenile courts function and to exchange best practices. With plans to facilitate additional courthouse visits by Mexican officials in the near future, ABA ROLI hopes to have established a sustainable model for promoting cross-border exchanges among judicial officials.

Cost-Extension

ABA ROLI is honored by USAID's decision to issue a cost extension modification to increase the breadth and scope of the Program's activities until 2013, and looks forward to continued collaboration with the mission during this new phase of programming. Throughout this report, the Program's shift in focus away from judicial reform and exclusively towards legal education and legal education reform is manifest. Starting in Q2 CY 2012, the Program will likely modify the structure of its quarterly reports in accordance with the revised cost extension proposal submitted in October 2011.